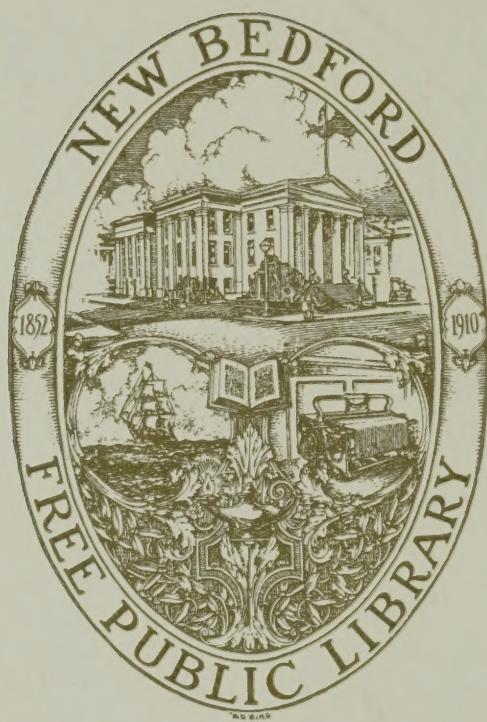


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THE LANDS OF OLD DARTMOUTH

By

William M. Emery

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1930.

THE LANDS OF OLD DARTMOUTH

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The importance of the initial steps taken by the colonists at Plymouth to acquire the territory comprising the original township of Dartmouth, Massachusetts, antedating by many years the Indian deed thereof in 1652, has been generally disregarded by early New Bedford historians. It is the purpose here to remedy the omission, and recount the successive stages by which the Plymouth Proprietors came into full possession of the Dartmouth terrain. For a clear understanding of the situation it is necessary to review some phases of the history of the Plymouth Colony.

[In the following pages citations to Plymouth Colony Records (Plym. Rec.) refer to the printed edition, twelve volumes, 1856-1861.]

When the Mayflower Pilgrims came to America they had the financial backing of a group called the Merchant Adventurers, a colonization syndicate of London. This body at the start numbered more than seventy, and included through the years James Sherley, John Beauchampe, Richard Andrews, Timothy Hatherly and William Thomas. In 1627 Governor William Bradford and seven leading Pilgrims bought out the Adventurers, and so acquired title to the lands, houses, cattle and implements at Plymouth.

"They decided, in order to preserve peace and union," says Professor Samuel Eliot Morison, in his article on Bradford in "The Dictionary of American Biography," "to share and share alike with the 'mixt multitude,' and distributed land and cattle by a method that 'gave good contente.' This stroke of statesmanship.....created a quasi-corporation known as the Old Comers or Purchasers, which became the governing class of the colony."

Governor Bradford exercised plenary authority, executive, legislative, and judicial, and his rule was generally acceptable. New laws passed in 1636 placed the government on a quasi-constitutional bases. In 1627 the colony's debt of £1800 to the original Merchant Adventurers was assumed by Bradford, with seven of the Pilgrims and four London Merchants. These twelve were called Undertakers, and were given a monopoly of trade. Isaac Allerton of the Pilgrim party became their agent in London.

THE WARWICK PATENT

"If Bradford had any love of power or of gain," says Professor Morison, "his opportunity came in 1630, when the Warwick patent from the Council for New England made him, and whomsoever he chose to associate with him, proprietors both of jurisdiction and soil. Bradford at once shared his right to the soil with the Old Comers, and allowed the government to go on as before." Isaac Allerton was instrumental in securing

this patent. It took its name from Robert, Earl of Warwick, president of the Council, and bore date of Jan. 13, 1629/30. In the document the bounds of New Plymouth were thus described ("Bradford's History of Plimoth Plantation," Massachusetts Historical Society Edition, 1912, Vol. 2, p. 70, note):

All that Parte of New Englande in America aforesaid, and Tracte and Trades of Lande that lye within or betweene a certain Rivolett or Rundlett there, commonly called Coahassett, alias Conahasset, towards the north, and the River commonly called Naragansets River towards the south, and the great Westerne Ocean towards the east, and betweene and within a straight line directly extendinge upp into the Maine Land towards the west, from the mouth of the said River called Naragansetts Riuer, to the utmost Limitts and Bounds of a Cuntry or Place in New Englande, commonly called Pokenacutt, alias Sowamsett, westward, and another like straight Line, extending itself directly from the Mouth of the said River called Coahassett, alias Conahassett, towards the West soe farr upp into the maine Lande Westwards, as the utmost Limitts of the said Place or Cuntry, commonly called Pokenacutt, alias Sowamsett, doe extend togeather with one half the said Riuer called Naragansetts, and the said Rivolett or Rundlett called Coahassett, alias Conahassett.

DISSATISFACTION AT PLYMOUTH

Subsequently dissatisfaction developed among the colonists because of the Old Comers' power to allot land, and the Undertakers' monopoly of trade. At some time between 1633 and 1636

(date not clear from the records) the question of recognizing with allotments of land the services and sacrifices of those who had borne the privations of the early settlement came before the freemen. Their resolution took this form (Plym. Rec., Vol. 11, p. 16):

That whereas as well the lands within this patent as the municon etc. was bought by way of purchase by diverse the inhabitants of new Plymouth and that the said purchasers are possessed but of smale proporcons of land and many of them meane. It is therefore thought meet that the said purchasers shall hold and have reserved for themselves and their heires so much land in such place and places as they shall judge meete and convenient for themselves and their heires aforesaid.

That such children as are here borne and next unto them such as are here brought up under their parents and are come to age of discretion allowed, and want lands for their accomodacon be provided for in place convenient before any that either come from England or elsewhere, then to seeke as they are.

That place and places convenient be reserved for the said purchasers and their heires. They to surrender the remainder of the lands to be disposed of within the limits of the letters patent dated to W.B. and his associates, to the Government consisting of the Majestrates and ffreemen of this Corporacon.

For some time the matter was allowed to rest, but a few years later the subject was revived in the form of a resolution on a question raised by the Grand Inquest, [Grand Jury], asking "by what vertue and power the Gouvernor and Assistants do give and dispose of lands either to particular persons or towneshipps and Plantacons?"

Considerable debate on the question took place in the General Court through the ensuing year. The tactful and politic Governor was amenable to the proposition of the Grand Inquest, and it was decided by mutual consent that Bradford and his associates would surrender the Warwick patent to the freemen of the colony, reserving certain tracts of land for themselves. A resolution to that effect was adopted

March 5, 1639/40, setting forth the desire that all controversies might cease, "whether betwixt the Purchasers, Old Commers, Freemen or others about the same," and providing that in the matter of the trading the Undertakers be reimbursed by the colony in the sum of £300 and the monopoly be ended. In the matter of the land dispute it was provided (Plym. Rec., Vol. 11, p. 34):

And that they Purchasers or old Commers shall make choyce of two or three places for themselves and their heires before the next December Court and that after such choyce made and established All the residue of the lands not formerly graunted forth either to plantacons or particular persons

shalbe assigned and surrendered into the hands of the whole Body of the Freemen to be disposed of either by the whole Body or by such persons as shalbe by the whole Body of Freemen assigned and authorised. And that all lands already graunted either to plantacons or particular persons shall stand and remayne firme to them their heires and assignes for euer to whom they are so giuen and graunted. Provided that all lands shalbe now free to graunt to such persons as stand in neede in the Plantacons now made saue that there shalbe no more Plantacons erected untill the purchasers haue made their choyce as aforesaid.

THREE TRACTS SET OFF IN 1640

By "the next December Court" the Old Comers had made their choice, signified, in a resolution adopted at the session of Dec. 1, 1640, and reading as follows (Plym. Rec., Vol. 2, p. 4):

Whereas by the act of the Genall Court held the third day of March, 1639, it was agreed upon that the purchasers, or old comers, shall make choyce of two or three plantacons for themselves and their heires by this December Court --- now the said purchasers or old comers do signifie unto the Court that accordingly they haue made choyce of these three places, viz:

First, from the bounds of Yarmouth, three miles to the eastward of Maemskeckett, and from sea to sea crosse the neck of land.

The second place, of a place called Accouquesse als Acokus w^{ch} lyeth in the bottome of the bay, adjoyneing to the west side of Poynt Perrill, and two miles to the westerne side of the said riuer to another place called Acqus-sent Riuer, w^{ch} entreth at the westerne end of Nickatay, and two miles to the eastward thereof, and to extend eight miles up into the countrey.

The third place, from Sowamset Riuer to Patuckquett Riuer, wth Causumpsit Neck, w^{ch} is the cheefe habitacon of the Indians and reserued for them to dwell upon, extending into the land eight miles through the whole breadth thereof.

The which choyce beinge made as aforesaid and allowed in the Court MR. Willm Bradford for himself and his associats, doth tenter a surrender to the body of freemen of all the rest of the lands wth in the patente (w^{ch} are not graunted to plantacons in genall or ps ons in pticuler) And the said Willm Bradford is ready further to confirme the same on the pte and behalf of himself and his associats to the body of the freemen when he shalbe required.

The first of these reserved tracts was on Cape Cod, the second was the territory incoperated in 1664 as Dartmouth, and the third embraced Swansea and Rehoboth in Massachusetts, Barrington and Warren, Rhode Island, and perhaps Bristol. "The latter was the most valuable and was not to be quietly enjoyed without a bloody conflict," wrote Judge Davis.

Acokus was Accoaxet, or Westport; Point Peril was Gooseberry Neck at Horseneck Beach; Acquessent River was the Acushnet River; and Nickatay was Sconticut Neck.

THE FIFTY-EIGHT PURCHASERS OF 1640

In connection with the resolution of Dec. 1 the Plymouth Records supply a list of the 58 Purchasers of the three tracts, or Old Comers. They comprised those who purchased from the Adventurers all their interest in the plantation on the expiration of the term of seven years, imposed in the original articles of agreement. "All of these names," said Charles Deane, annotator of the 1856 edition of Bradford's "History", "will be found in the list relative to the division of cattle in 1627, with the exception of the names of six persons who sustained a different relation to the colony, but who, if not interested in the purchase, were thought worthy to have a place in this list."

The foregoing is a note by Worthington Chauncey Ford in the Massachusetts Historical Society's edition of the Bradford "History", p. 285.

The names of the 58 purchasers, who thus were the original owners of the old Dartmouth territory, as well as the other two tracts described in the resolution, were as follows (Plym. Rec., Vol. 2, p. 177):

William Bradford, Thomas Prencé, William Brewster, Edward Winslow, John Alden, John Jenney, Isaac Allerton, Myles Standish, William Collyer, John Howland, Manasseth Kempton, Francis Cooke, Jonathan Brewster, Edward Bangs, Nicholas Snow, Stephen Hopkins, Thomas Clarke, Ralph Wallen,

William Wright, Elizabeth Warren, widow.

Abraham Pearse, Stephen Tracy, Joseph Rogers, John Faunce, Stephen Deane, Thomas Cushman, Robert Hicks, Thomas Morton, Anthony Annable, Samuel Fuller, Francis Eaton, William Bassett, Francis Sprague, the heirs of John Crackstone, Edward Bumpas, William Palmer, Peter Browne, Henry Sammon, Experience Mitchell, Philip Delanoy.

Edward Dotey, Cutbert Cutbertson, John Winslow, John Shaw, Josuah Pratt, John Adams, ----- Billington, Phineas Pratt, Samuel Miller, Clement Birnes, Moses Symonson, George Soule, Edward Holman, James Sherley, Mr. Beaucharme, Mr. Andrews, Mr. Hatherly, William Thomas.

The last five were of the London Adventurers, to whom the colonists still were indebted a considerable sum of money.

BRADFORD SURRENDERS WARWICK PATENT

It was at the session of the Court on March 2, 1640/41, that Bradford made the surrender of the Warwick patent to the freemen as agreed upon. This document is to be found in the Plymouth Colony Records, Vol. 2, p. 10, and in Bradford's "History". In the latter Bradford wrote, as a preamble:

Whereas y^e patente was taken in y^e name of William Bradford (as in trust), and rane in these terms: To him, his heires and associats and assignes; and now y^e noumber of free-men being much increased, and divorce townships established

and settled in several quarters of y^e govermente, as Pli-moth, Duxberie, Sityate, Tanton, Sandwich, Yarmouth, Barnstable, Marchfeeld, and not longe after Seacunke (called afterward at y^e desire of y^e inhabitants, Rehoboth) and Nawsett it was by y^e Courte desired that William Bradford should make a surrender of y^e same into their hands. The which he willingly did, in this maner following.

It is not necessary here to present the surrender in full. It provided that the reservation of the three tracts of land date from Dec. 1, 1640. The description of the second tract is here repeated, to indicate variation in spelling of geographical names:

The 2. of a place called Accoughcouss, which lyeth in y^e botome of y^e bay adjoyning to y^e west-side of Pointe Perill, and 2. myles to y^e westerne side of y^e said river, to an other place called Acushente river, which entereth at y^e westerne end of Nacata, and 2 miles to y^e eastward thereof, and to extend 8. myles up into y^e countrie.

The court record of the surrender makes this addition:

Memorand: That the said surrender was made by the said Willm Bradford in publick Court to Nathaniel Sowther especially authorized by the whole Court to receiue the same, together w^t the said lres letters patente in the name and for the

use of the whole body of freemen

It is ordered by the Court that M^r Willm Bradford shall have the keepeing of the said lres patent^e w^{ch} were afterwards delived unto him by the said Nathaniell Sowther in the publike Court.

Nathaniel Souther was the clerk of the Court. The Warwick patent, which he delivered to Governor Bradford, remained in possession of the Bradford family until 1741, and subsequently was deposited in the Plymouth County Registry of Deeds, where it has been suitably framed.

Robert Hicks, who died in 1647, was listed as one of the proprietors of the Dartmouth tract in 1640. In the 1652 allotment appears the name of his son, Samuel Hicks, as a proprietor, but his claim to ownership was disputed by his brother-in-law, George Watson, at the May term of the Court of Assistants in 1660. The record reads (Plym. Rec., Vol. 3, p. 136):

Att this Court George Watson, requested the Court in the behalfe of his son John Watson and his nephew John Bangs that whereas upon a mistake Samuell Hickes his name is entered into the Court records as purchaser of the lands at Cushenah and Accoaksett &c wheras M^r Robert Hickes should haue bine entered; that the said mistake might bee rectifyed and the said Robert Hickes entered; to which in regard the Gou^r was absent it is refered untill June Court.

No further record is found, but Samuel Hicks, who removed to Dartmouth, retained possession of the lands.

A DELAY OF ELEVEN YEARS

As far as the Dartmouth tract was concerned nothing further seems to have been done for eleven years. Eventually the Purchasers held a general meeting at Plymouth, on March 7, 1652, when it was voted to assign the Dartmouth lands to a group of 36 owners, representing 34 shares, four of the owners holding one-half a share each. Of these proprietors the names of about two-thirds appeared on the list of 1640. More than half the names on the original roster of 58 were missing. It was decided at this meeting to claim a boundary three miles, instead of two miles, east of the Acushnet River, and to take a deed from the Indians.

Two documents relating to the meeting, copied from the original Plymouth Colonial records, Vol. 2, Part 1, pages 106 and 107, have been printed in Ricketson's "History of New Bedford" and the Mayflower Descendant magazine. These are two forms of a Proprietors' agreement, with names of the Proprietors. The original draft having strangely disappeared for several years a new one was prepared from memory, but in 1660 the missing paper was found and recorded annulling, the second draft, in which "the names of some are entered contrary to the original, grant and agreement of the purchasers."

THE PROPRIETORS OF 1652

The original draft was as follows (Mayflower Descendant, Vol. 4, p. 185):

THE PURCHASERS OF DARTMOUTH
 Transcribed from the Original Records.
 By George Ernest Bowman

(Plymouth Colony Deeds, Vol. II, Pt. I, pp. 106, 107)
 (p. 106) 1660: Prence Gov'r

A writing appointed to bee Recorded as followeth
 Att a generall meeting of the Purchasers att Plymouth the
 seaventh of march 1652 It was ordered and fully agreed unto
 and Concluded by the whole that all that Tract and tracts of
 lands lying from the Purchassers bounds on the west side of
 Accoughcusse to a river called Acusshaneck and three miles
 to the Eastwards of the same; with all llands meddows woods
 waters rivers Creekes and all appurtenances thereunto belong-
 ing Should bee given to those whose names are heerunder written
 Containing thirty four shares and was then given allotted As-
 signed and sett over to them by the whole to have and to hold
 to them and their heires and Assignes for ever; to Devide and
 Dispose of the same as they should see good; and they are to
 Satisfy the Indians for the Purchase thereof and to beare all
 other due Charges that shall any way arise about the same
 According to their severall proportions

William Bradford a moyety	Mr hickes
Captaine Standish	
Mr Collyare and Sarah	James hurst
Brewster	Edward Doty
mr Aldin	John Shaw
mistris Warren	ffrancis Cooke
Robert Bartlett	John Cooke
John ffaunce	Samuell Cutbert
Manasses Kemton	John Crackston; The one halfe of John Crackstones land which was mr

George Morton	Stephen Tracye	William Bradford senir:
John Dunham	ffrancis Sprague	his land was passed
William Palmer	henery Sampson	over by the said Will,am
Thomas Morton	Peter Browne *	Bradford to mr John
Edward holman	Constant Southworth	howland
mistris Jeney	Gorge Soule	
Joshua Pratt	Phillip Delanoy	
	Moses Simons	
	Edward Bumpas	
	ffrancis Eaton;	

Wheras these Purchasers whoe by agreement of the whole had theire proportions of Purchase land falling unto them in the places above mencioned whoe by agreement had theire severall names entered into a list (together with some other old Comers) under the hand of the honored Gov^r : late Deceased they Did Desire that the list of theire Names might bee recorded; but the above written originall list of Names and the agreement Could not bee found in some yeares; soe that it was Judged lost These purchasers notwithstanding still Desiring that what was theire right might bee recorded; whereupon order was given by the aforsaid Gov^r that it might bee Done; in which record for want of the originall list; the Names of some are entered Contrary to the originall graunt and agreement of the Purchasers as appears by it; and alsoe by Divers other purchasers as well as themselves; which is an occation of some Difference alreddy; and may bee of more; Therfore it is ordered by the Generall Court held att Plymouth, the 8th of June 1660; that the above-said originall list should bee entered and the other to stand in the books not Defaced but to bee void null and of none effect

* A careful study of the Dartmouth records and the Plymouth Colony Deeds shows that this grant was not made to a living Peter Brown, but to the heirs of "Peter Browne deceased".

The other draft, placed on record, but declared null and void, was as follows (Mayflower Descendant, Vol. 4, page 187):

(p. 107) 1654

The names of those whoe by order of the Purchasers mett att Plymouth the seaventh Day of march 1652 whoe by Joynt consent and agreement of the said purchasers are to have theire prtes shares or proportions att the place or places commonly called and knowne by the names of Acushena alias acquessent which entereth in att the westeren end of Neckatay and to Coaksett alias acoakius and places adjacent; the bounds of which Tract fully to extend 3 miles to the Eastward of the most Easterly prte of the river or Bay called Acushena aforesaid; and soe alonge the seaside to the river called Coaksett; lying on the west side of point prrill and to the most westermost side of any branch of the aforsd river and to extend eight miles into the woods; The said Tract or tract (s) of Land soe bounded as abovesaid which is purchased of the Indians which were the right propriators therof; as appeers by a Deed under theire hands with all the mershes meddows rivers waters woods Timbers; and all other profitts privilidges emunites comodities and appurtenances belonging to the said Tract or Tracts Above expressed or any prte or prcell therof to belonqe unto the prties whose names are underwritten (whoe are in number thirty four whole prtes or shares and noe more) to them and their heires and assigns for ever;

Mr Willam Bradford one whole prte or share
capt: Standish one whole prte or share
Mr John Alden one whole prte or share
Mr Collyar and Sarah Brewster one whole prte or share
Mr howland and William Bassett one whole prte or share
Gorge Morton one whole prte or share
Mannasses Kemton one whole share
James hurst one whole share
John Dunham senir one whole share
John Shaw senir one whole share
ffrancis Cooke one whole share
John Cooke one whole share
Joshua Pratt one whole share
Gorge Soule one whole share
Constant Southworth one whole share
Thomas Southworth one whole share
Mis Jenings one whole share
Steven Tracye one whole share
John ffaunce one whole share
henery Sampson one whole share
Phillip Delanoy one whole share
Mis Warren one whole share
Robert Bartlett one whole share
Willam Palmer one whole share
Edward Dotye one whole share
Samuell hickes one whole share
Peeter Browne one whole share
ffrancis Sprague one whole share
Moses Simons one whole share
Samuell Eaton one whole share

Thomas Morton one whole share
Samuell Cutbert one whole share
Edward holman one whole share
Edward Bumpas one whole share

In all thirty foure prtes or shares

ALAPHABETICAL LIST OF PROPRIETORS

For convenience it has seemed desirable to arrange the list of the Proprietors of 1652 alphabetically, as follows:

John Alden *	John Howland *
Robert Bartlett	James Hurst
William Bradford *	Sarah Jenney ***
Sarah Brewster **	Manasseh Kempton
Peter Browne (heirs) *	George Morton
Edward Bumpus	Thomas Morton
William Collier	William Palmer
Francis Cooke *	Joshua Pratt
John Cooke *	Henry Sampson *
John Crackston *	John Shaw, Sr.
Samuel Cuthbert	Moses Simmons
Philip Delano	George Soule *
Edward Doty *	Constant Southworth
John Dunham, Sr.	Thomas Southworth
Francis Eaton *	Francis Sprague
John Faunce	Myles Standish *
Samuel Hicks	Stephen Tracy
Edward Holman	Elizabeth Warren ****

* Mayflower passengers.

** Sarah Brewster was the wife of Love Brewster of the Mayflower, and daughter of William Collier, she and her father held one share jointly.

*** Mistris Jenney was the widow of John Jenney.

**** Mistris Warren was the widow of Richard Warren of the Mayflower.

On Oct. 5, 1652, "The rate (tax) of the severall Townes within this Jurisdiction for the Officers Wages" was issued by the authorities of the colony. (Plym. Rec., Vol. 3, p. 19) The final entry is: "Dartmouth is to pay £2." Without question this must refer to the Acoaxet-Acushnet tract. It is the first mention of the name of Dartmouth on public records, and ante-dates the incorporation of the township under that designation by a dozen years. In default of inhabitants on the tract the tax would be met by the proprietors.

THE INDIAN DEED OF 1652:

On Nov. 29, 1652, the Indian deed of the Dartmouth territory passed. It was a curious mixture of land conveyance and an agreement to pay, and was signed by John Winslow, and by John Cooke, as of the purchasers, and by Wamsutta, son of Wesamequen, or Massassoit, the latter appearing as one of the joint grantors. While John Winslow and his brother, Govenor Edward Winslow, were among the purchasers of 1640, it will be noted that their names are not to be found on the list of allotted Proprietors of March 7, 1652. The deed follows (Mayflower Descendant, Vol. 6, p. 245):

A Deed appointed to bee Recorded
New Plymouth November the 29th 1652

Know all men by these prsents that I Wosamequen and Wamsutta
my sonne have soould unto MR Willam Bradford captaine Standish
Thomas Southworth John Winslow John Cooke and theire associ-
ates the Purchasers or ouldcomers all the Tract or Tracts of
land lying three miles Eastward from a River called Cushenugg
to a certaine harbour called Acoaksett to a flatt Rocke on
the west ward side of the said harbour; And wheras the said
harbour Devideth it selfe into severall branches; the wester-
most arme to bee the bound; and all the Tract or Tracts of
land from the said westermost arme to the said River of Cushe-
nugg three miles Eastward of the same; with all the profitts
and benifitts within the said Tract with all the Rivers creeks
meddows neckes and Islands that lye In or before the same;
And from the sea upward to goe soe high that the English may
not bee annoyed by the hunting of the Indians in any sort
of theire Cattle; And I Wosamequen and Wamsutta Doe promise
to remove all the Indians within a yeare from the Date hereof
That Doe live in the said Tract And wee the said Wosamequen
and Wamsutta have fully barganed and sold unto the aforsaid
MR Willam Bradford captaine Standish Thomas Southworth John
Winslow John Cooke and the Rest of theire associates the Pur-
chasers or oldcomers To have and to ho(ld) for them and theire
heires and assignes for ever; and in consideration heerof wee
the abovemencioned; are to pay to the said Wosamequen and
Wamsutta as followeth thirty yards of cloth eight moose skins
fifteen axes fifteen hoes fifteen paire of breeches eight
blankets two kittles one cloake 2^f in Wampam eight paire of

stockens eight paire of shooes one Iron pott and ten shilling
in another comoditie; And In Witnesse heerof Wee have Inter-
changably sett to our hands the Day and yeare abovewritten

In the prſence of
Jonathan Shaw
Samuell Eedy

Wamsutta

John Winslow
John Cooke
his mark

Only three of the thirty-six proprietors of the Dartmouth tract of 1652 settled in this region, although descendants of nine others were among the inhabitants of the early days of the township. Over a considerable period of years most of the owners or their heirs sold off their lands.

Albert B. Drake stated that the earliest deed to pass was on Dec. 26, 1657, as shown by the Plymouth records, when Benajah Pratt of Plymouth sold to William Spooner half of "his pte or portion of the land called purchase land lyeing and being att Coaksett alias Acoaket and places adjacent, both upland and meadow." The consideration was one cow.

EARLIEST SETTLEMENT IN DARTMOUTH

During 1659 there were several transfers, including one of ten acres to John Howard of Bridgewater, formerly of Plymouth. Henry B. Worth, in a paper on the first settlers on the Acushnet River, published in the Collections of the Old Dartmouth Historical Society, No. 39, held that the transfer was to Howard as agent of the proprietors to undertake the settlement of a town. Mr. Worth stated the Howard tract was on a neck of land in Acushnet bounded by Acushnet River and Howard's Brook, and located opposite Brooklawn Park, New Bedford. Thereon, in 1660, settlement

began, he believed, the first comers between that date and 1662 being Arthur Hathaway, James Shaw, Samuel Cuthbert, William Spooner, Samuel Jenney, John Russell, and Thomas Pope or Ralph Earle.

ACT OF INCORPORATION, 1664

Dartmouth was "made a towne" on June 8, 1664. The brief Act of Incorporation was as follows (Plym. Rec., Vol. 4, p. 65):

At this Court all that tract of land commonly called and known by the name Acushena, Ponagansett and Coaksett is allowed by the Court to be a township, and the inhabitants thereof have liberty to make such orders as may conduce to their common good in town concernments, and that the said town be henceforth called and known by the name of Dartmouth.

EARLY BOUNDARY CONTROVERSIES

Some controversy having arisen with the Indians as to the boundaries of the town a settlement was secured with King Philip on Oct. 3, 1664, as Recorded at Plymouth, and printed in Ricketson's "History":

Whereas, according to an order of court, held at Plymouth, bearing date the third day of October, Anno Domini 1664, wherein Phillip, Sagamore of Pokannockett, &c., was desired to appoint an agent or more to set out and mark the bounds of Acushna, Coaksett, and places adjacent, the said

Sachem sent John Sassamon, on the 19th day of November, in the year aforesaid, to act in his behalf in the premises, whoe hath set the bounds of the said tract and tracts as followeth, viz: at Acushena three miles to the east according to the deed bearing date November 29th, 1652, from a black-oak marked on four sides, running upward north into the woods eight miles, and downward south with so much of the island Nakata as falls within the said line; at Akoaksett, from a white-oak marked on four sides, standing on the west side of the head of the cove, ranging up into the woods north six miles and an half to a great pond, unto a white-oak marked, standing upon the west side of the pond, near the south end of the said pond; by reason of the running of the pond, one mile on the east side upward to a black-oak marked on four sides, standing near a maple-tree on the side of the said pond, about the middle of it, which pond is called Watuppa; the upper bounds to run from tree to tree upon a strait line, and at the head of the westernmost arm from the said white-oak to the flat rock expressed in the deed aforesaid.

Later there was another dispute, with the Indians as to the eastern boundary, and the matter came before the Court at Plymouth Oct. 30, 1667 (Plym. Rec., Vol. 4, p. 168):

In reference unto a controuersy between the English and the Indians about runing the line of the bounds of Dartmouth the Court haue ordered that in case Robert Hazard of Rhode Island may be procured that hee run the line, with the inspection of

such as shalbe approued both by the English of the said towne and the Indians; but in case hee can not be procured that John Cobb of Taunton shall run the said line; and that this shalbe a finall end of this contiouersy and that the charge of the business shalbe bourne by the said towne.

A subsequent record shows that the services of Hazard as surveyor were secured. On June 3, 1668, the Court rendered the following decision, unfavorable to the Indians (Plym. Rec., Vol. 4, p. 185):

The Court, haueing taken into consideration the contiouersy att Dartmouth arising from a diuersite of expressing the eastermost bounds of Dartmouth and finding vpon serch of the first ancient record that the bounds was to take place from the riuer and two miles eastward, but this Court allowes of three miles eastward and doth mind the riuer and not the Bay to take the three miles from, and the tree that hath bine theire bounds soe longe and hath been proued, the Court sees noe reason but you ought to rest satisfyed in.

John Cooke, one of the original proprietors of 1652, who had settled in the north part of Fairhaven, was agent for the Court to take the testimony of all the parties in the adjustment of the boundary dispute. In settlement of this the Court passed an order July 1, 1672 (Plym. Rec., Vol. 5, p. 97), wherein reference was made to the "long continued dispute", the Court gave a hearing, at which John Smith, Samuel Hicks and Peleg Tripp presented the purchasers' side of the case. The

authorities decided Cooke was to have Ram Island, now known as Popes Island, and eleven pounds in payment for his services, and also three pounds for his "damage and trouble", "which said fourteen pounds shall be paid to him in good merchantable porke, beefe and corne in equall proportions." On payment thereof he was to deliver the "deeds and acquittances concerning those lands in dispute." Then the Court passed the following order regarding the boundaries:

And wee determine the bounds of the plantation to be according to a deed giuen by Phillip the sachem bounded on the east by a blacke oake marked on foure sides, concerning which tree all pties did agree, and from the said tree by a south line as run by Robert Hazard downe to the salt water, and by the contrary line into the woods extending eight miles from the said tree, and att the westerly end as bounded by the abouesaid deed.

Apparently there was still further trouble over the boundaries, for the following entry was made at the session of the Court on June 3, 1674. (Plym. Rec., Vol. 5, p. 147):

Weddensday the 24th of this instant is appointed by the court for the inhabitants and purchasers of Dartmouth to meet together for the settling of the bounds of their town.

At that time also, Governor Josiah Winslow, Thomas Hinckley, the treasurer, Mr. Walley, Lieutenant Morton and John Tompson were to meet with the inhabitants to make some provision for

holding religious services in the town. Presumably these officials also were to confer regarding the boundaries. The result of the meeting is not of published record.

Each allotted proprietary share in the Dartmouth territory was at first 200 acres, the balance of the tract being held in common, or undivided. The early Proprietors' book was burned, but from various deeds we learn that on March 30, 1682, the Proprietors agreed upon an additional 400-acre division, and Jan. 7, 1694, set off to each share 200 acres more. Hence, each share carried 800 acres, or a total of 28,800 acres. Frequent references to the 800-acre division are to be found on the old records.

LAWSUITS OF THE ALLENS, SOULES AND WOOD

In the ensuing years disputes frequently arose among Proprietors as to the boundaries of their lands, and litigation frequently arose, the most important proceedings being a series of lawsuits instituted by the Allens and Soules and William Wood between 1684 and 1694. These suits eventually resulted in securing a confirmatory deed of the Dartmouth tract from Major William Bradford, son of Governor Bradford, and also are of interest in providing a census of the inhabitants of Dartmouth during those ten years, after the effects of King Philip's War had ceased to be felt.

The first action was brought by Zachariah Allen, Ebenezer Allen, George Soule and William Wood, and was decided adversely to the complainants at Court of Oct. 28, 1684. In the following extracts from the Court records the names of the respondents, to avoid repetition, are omitted, to be consolidated in an alphabetical list (including Bradford grantees of 1694), pre-

sented hereafter. The Court record of Oct. 28, 1684, follows (Plym. Rec., Vol. 7, p. 283):

Wheras Zachery Allin, William Wood, George Soule, and Ebinezer Allin of Dartmouth complaine against (37 respondents, named), whoe with others are the propriaters or claimers of the undevided lands lying within the townshipp of said Dartmouth in an action of the case, to the damage of fiue hundred pound, siluer mony for that the said Henery Tucker, Arther Hathaway, and the rest above named holding as tenants together in an undevideid coron with the said complainants and others in all the lands lying within the said towne- ship of Dartmouth which are not as yett orderly deuided yett the said Henery Tucker, Arther Hathaway and the rest aboue named unjustly gainsay or delay to pmitt the ptition of the said lands to be made between them, according to law in that case prouided that soe the said complainants and demaundants might each of them come to injoy theire just and reasonable pte of said lands in such proportions as is theire right, and was by said complainants and some few others reasonably de- maunded att a meeting of the propriators or purchasers of said lands orderly named the tenth of September last past.

The jury find for the defendants the cost of the suite.

The complainants, joined by Joseph Allen and Nathaniel Soule, made another attempt the following year. The Court record of Oct. 27, 1685 was (Plym. Rec., Vol. 7, p. 292):

Whereas William Wood, George Soule, Nathaniell Soule, Joseph Allen, Zechariah Allen, all of Dartmouth in the colony

of New Plimouth in New England, pprietors in the lands
within sd township of Dartmouth purchased of Woosamequen and
Wamsutta as by deed bareing date the 29th day of Nouember,
1652, may appear, complaine against (65 respondents, named)
in an action of the case to the damage of eight hundred
pounds in mony for that the sd defendants claiming part or
parts of sd lands as the proprietors thereof and holding
sd lands together in partnershipe with the complainants and
some few others as tenants in comon and vndeuided, except such
part thereof as háth been heretofore orderly and legally deuided
according to law, by certaine meets and bounds, vnto euery
proprietor according to his part or share, therein, notwithstanding-
ing the said defendants contradicteth and will not permitt parti-
tion or deuision of all the said vndeuided land equally to be
made according to law, and the complainants parts or shares
therein, viz: four whole parts or shares and a fourth part of
a share excepting thirty acres of land out of it, or at least
will not comply with the plaintiffs aboue named vpon there rea-
sonable demands to make an eqall partition or deuision of all
the abouesd lands according to the complainants parts or shares
therein as abouesd and thereby preuenting the abouesd plantiffs
from the knowledg and improuement of their own respective parts
and shares of all the aboue said purchased lands by themselves,
in seuerallety, as by law is prouided, by which vnjust actings
and refuseall or nott complyance of the defendants the plantiffs
comes to be greatly damnified

Therefore brings their action as abouesd pr me, William
Bradford, Deputy Gour

This action was nonsuited.

Again the following spring the six petitioners brought another proceeding, claiming 800 pounds from sixty-seven respondents. The text of the document varried little from the preceding. On March 2, 1686 (Plym. Rec., Vol. 7, p. 295) the entry was made: "The Court grants a non suite. The bill of cost of thirty two shilling was alowed by the Court."

A fourth suit, with George and Nathaniel Soule as the only complainants, was instituted in 1692 or 1693, with damages of £ 1000 claimed. This time the three Allens and Wood, former petitioners, were included in the 100 respondents named. Once more the Soules lost, and appealed to the Superior Court of Judicature in Boston in August, 1693.

Non-suit was entered June 8, 1694, with costs assessed against complainants (Supreme Court, Old Files, Boston, No. 3334). Thirty papers filed in connection with the case are still preserved. They include twenty-six warrants to summon the defendants in groups of not more than four each, scattered in various parts of Dartmouth and in Plymouth.

ALPHABETICAL LIST OF LAND OWNERS, 1684-1694

John Akin, Ebenezer Allen, Increase Allen, Joseph Allen, Matthew Allen, Samuel Allen, Zachariah Allen, Benjamin Babcock, Return Babcock, George Bradley, John Briggs, Sr., John Briggs, Jr., Thomas Briggs, Thomas Butts, George Cadman, Mrs. Sarah Cadman, John Calvin, Latham Clark, Joseph Coleman, Zachariah Coleman, Arnold Collins, John Cooke, Caleb Corey, Mary Corey, Philip Cornell, Samuel Cornell, Stephen Cornell, Thomas Cornell.

Aaron Davis, Mary Davis, Jonathan Delano, Jonathan Devoll, John Earle, Joseph Earle, Ralph Earle, Sr., Ralph Earle, Jr.,

Thomas Earle, William Earle, Sr., William Earle, Jr., Thomas Eaton, Richard Evans, John Fish, Hananiah Gaunt, Arthur Hathaway, John Hathaway, Samuel Hicks, John Howard, Benjamin Howland, Nathaniel Howland, Valentine Huddlestone, John Jenney, Lettice Jenney, Mark Jenney, Samuel Jenney, Manassah Kempton, Recompence Kirby, Richard Kirby, Jr.

John Lapham, Isaac Lawton, Peter Lee, William Macomber, Samuel Merrihew, Thomas Mitchell, Hugh Mosher, John Mosher, Joseph Mosher, Nicholas Mosher, Jacob Mott, Stephen Peckham, Isaac Pope, Seth Pope, Nathaniel Potter, Mrs. Elizabeth Ricketson, William Ricketson, Joseph Ripley, John Russell, Sr., John Russell, Jr., Jonathan Russell, Joseph Russell.

James Sampson, John Sampson, Jonathan Shaw, Mrs. Mary Shaw, Daniel Sherman, Edmund Sherman, John Sherman, Joseph Sherman, Peleg Sherman, Philip Sherman, Samuel Sherman, William Sherman, James Sisson, Eleazer Slocum, Giles Slocum, Peleg Slocum, Deliverance Smith, Eleazer Smith, Gershon Smith, Hezekiah Smith, John Smith, Sr., Josias Smith, Judah Smith, George Soule, Nathaniel Soule, John Spooner, Sr., John Spooner, Jr., Samuel Spooner, William Spooner.

Joseph Taber, Philip Taber, Thomas Taber, Sr., Thomas Taber, Jr., John Tayer (or Taylor), Ephraim Tinkham, John Tinkham, James Tripp, Joseph Tripp, Peleg Tripp, Abraham Tucker, Henry Tucker, John Tucker, Reuben Waite, Thomas Ward, Stephen West, Daniel Wilcox, Samuel Wilcox, William Wood, Sr., William Wood, Jr.

RESULT OF THE LITIGATION

An outgrowth of this continuous litigation, as well as other legal controversies over the lands, no doubt, was the

granting of a confirmatory deed of the Dartmouth tract by Major William Bradford, son of Governor Bradford, under date of Nov. 13, 1694. The Proprietors named therein numbered fifty-six, and the two Soules, three Allens and William Wood, were not included. There is no question, however, of their ownership of land, as many conveyances by them and their heirs are of record, their titles evidently being unimpaired. The names of a large number of the respondents, also, did not appear in the confirmatory deed.

Between the periods of litigation, on Jan. 10, 1692, Zachariah Allen quitclaimed to Henry Head of Little Compton, R.I. for twenty pounds, a tract of his land in what is now Westport, and acknowledged the deed March 7, 1710/11. It provided for "the said Head paying the Indian Purchass." As the description of the land is somewhat unusual, it is given here (New Bedford Registry of Deeds, Old Series, Vol. 1, p. 245):

Three fourths of one Thirty fourth part of the two Miles on the west of Coxet River mentioned a Reserve bearing date March 1639 as more at Large may appear by a copy of the sd Reserve one fourth part of Gov^r Bradfords Right in said Reserve and two fourths of Moses Simons Right in the same Reserve by agreement of the sd Goven^r Bradford and others mentioned the seventh day of March 1639 by which Agreement the sd Govern^r Bradford had but and Equal part with the rest as more at large may appear by a Copie of the said Agreement 1652-- the abovesd three fourths of one thirty fourth part of the two miles on the west side of Coxet River

MAJOR BRADFORD'S CONFIRMATORY DEED, 1694

Major Bradford's deed was written with meticulous care. As deputy governor he had sat on the cases brought by the Soules, Allens and Wood in Plymouth Court, and was thoroughly familiar with the circumstances. The consideration paid him was twenty-five pounds, "silver money current." He rehearsed the history of the Warwick patent from which he claimed to derive his right and title. A curious provision of the patent, reiterated in the deed, required, if gold and silver should be mined within the tract, that one-fifth must be paid to the King and one-fifth to the President and Council for New England. The deed is recorded in Book 1, pp. 365-367, at the Taunton Registry of Deeds, and in Book 1, Old Series, pp. 16-19, in the New Bedford Registry. It follows:

To all unto whom these presents shall Come Greeting &c
whereas the Honobl ye Councill established at Plimouth in ye
County of Devon for the planting Ruleing ordering and Gover-
ning of New England in america By vertue and authority of
letters Patents under the Great Seale of England from or late
Sovereign lord King James the first Bearing Dat at westminster
in the Eighteenth year of his said majesties Reign of England
&c for and in Consideratio that Will^m Bradford esq^e and his
asosiats Had at their owne prop^e Cost and Charges planted and
inhabited a towne caled by the Name of New plimoth in New
England afores^d and for their better Subsistance and encorag-
ment to proceed in so pious a work espetially tending to the
propagation of Religion and the great encoragment of Trade to
his Maj^{tie} Relmes and Advancement of the Publique plantation.

The Councill by their Patent or Grant under their Common
 Seale Signed by the Right Hon^{ble} Robert Earle of warwike
 President of sd Councill Bearing Date the Thirteenth Day of
 January in the fifth year of the Reigne of our late Sovereigne
 Lord King Charles the First Anno: Dom^d 1629 Did Give Grant
 enfeoff assigne and Confirme unto the same william Bradford
 his heires associats and assignes forever

All that part of New England in America afforesd and tract
 or tracts of land that lye within or Between a Certaine Rivo-
 lett or Runnlet there Commonly Called Cohasset alias Conihas-
 set towds the North and the River Commonly Called Narragansett
 River toward the South and ye Greate westerne Ocean toward ye
 East and between and within a straight line Directly exstanding
 up into the Main land toward the west from the Mouth of the
 said River called Naraganset River to the uttmost bounds or
 limmits of a Country or place in New England Commonly Called
 Pocanoket alias Sawamsett westward and another like Strait
 line extending it selfe Directly from the Mouth of the said
 River called Cohassett toward the west so far up into the
 Maine land westward as the uttmost limmitts of the said place
 or Country Commonly Called pocanoket alias Sawamsett Doth ex-
 tend &c:

And all lands Rivers waters Havens Brooks ports fishings
 and all Heridettaments profitts and Comodities Sittuate Lyeing
 being or ariseing wthin or between any of the said limitts or
 Bounds Together with all Rights Royalltyes priviledges Fran-
 chisses x^t and thereof was put into quiet and peaceable posses-
 sion and Seizen as by the said patent or grant and endorsement
 thereon Reference thereunto being had may more fully appeare:

And whereas the said william Bradford his Grants Surrenders or Conveyances of any part of said Lands and other the premisses to his Declared associats or assignnees and also his and their grants to particular persons and townships And amonst others to Severall of the Purchassors and Propriettors of a certain Tract or Tracts of land formermerly known by the Names of Accushenah alias Aquset entering in at the wester end of Nakata and to the River Cookset alias Ackeess and places adja-cent--- The Bounds of which Tract fully extend three Miles to the eastward of the most easterly part of the River or Bay Accushenah afores^d and so along ye Sea side to the River Called Cooksett Lyeing on the west side of point Pirrill and to the most westernmost side of any Branch of the afores^d River and Extending eight mile into the woods with all Marshes Meadows Rivers waters woods and appurtenances thereto belonging Now called and Known by the Name of Dartmouth which Now Seems by some to be Questioned as to the legall Conveyance

For the Better Confirmation whereof Now Know yee that I william Bradford of Newplimouth in ye County of Newplimouth Son and heire to the above Named william Bradford esq^e Dec^d as well in performance of the true Intent and Meaning of the sd william Bradford my father, in and by the said grant And also in Consideration of Twenty five pounds Silver money Currant in New England to me in hand paid before the sealeing and Delivery of these presents as also for Divers other good Causses and Considerations me at this time espetially Moveing Have Granted Remised Released and forever quite claimed And by these presents for me and my heires Doe grant Remise Release and for-ever quite Claime unto

Manasseth Camton, Seth Pope, John Russell, Arthur hathaway, Pelege Slocum, Stephen West, James Sisson, John Russell, June, Abraham Tucker, John Tucker, Jonathan Russell, Thomas Briggs, John Hathaway, George Cadman, Jacob Mott, Thomas Taber, Jonathan Delano, Joseph Russell, Stephen Peckham, Isace Pope, Eliazer Slocom, John Lappam, Joseph Ripley, Daniel Shearman, Mary Davis, Thomas Taber, Jun^e, Lettice Jinny, Samuel Allen, Valentine Hudlestone, Edmund Shearman, Eliazer Smith, Return Babcock, Benjamin Howland, William Shearman, Ralph Earle, Jun^e, William Earle, son of Ralph Earle, John Shearman, Sam^l Spooner, William Spooner, Samuel Jenny, Mark Jenny, John Spooner, John Spooner, Jun^e, Thomas Michell, John Tinkam, Aron Davis, Giles Slocum, Joseph Tripp, James Tripp, William Macumber, Samuel Cornwell, Samuel Shearman, Gershom Smith, Samll Hickes, Elizabeth Ricketson, Joseph Taber,

being all purchassers and Propriettors of the lands above Named and to their heires and assignes forever to their proper use and behooffe all such Right Estate Title Interest Posession and Demand whatsoever which I the said William Bradford ever had Now have or ought to have of in or to all and Singular the Messuages lands Tenements Ground Soiles waters Rivers Havens Creeks Ports ffishings Heradittaments Royalties Minerals Profitts Priviledges Commodities whatsoever Scittuat Leyeing and being ariseing hapining or accrueing or which shall arise hapin or accrue in or within the limmits and Bounds of said Township of Dartmouth aforesaid Including likewise the Island of Nakata before mentioned And also that perticular Moyety in sd township granted to my father William

Bradford as appeares upon Record (Excepting and allwayes Reserved out of this my present grant one whole halfe Share of land in sd township and Now being in the Possession of Increase Allen and also another p^ecell of land in said Township Seized for the Country use from Zachariah Allen for a fine Due from sd Allen as appeares upon Record,

So that is to say That I the said William Bradford Nor My heires from henceforth Shall or May have or Claime any Right title Estat Interest or Demand of in or to the said Premises Nor any of them but thereof Shall for ever hereafter be Barred and Excluded by these Presents:

Know yee farther also that I the sd william Bradford for the Considerations and ends aforesd have approved and by these presents Doe for me My heires Ratify and Confirm unto the said Manasseth Campton, Seth Pope, John Russell, Arthur hathaway, Pelegg Slocum, Stephen West, and all and Singular the propriettors above Named and to their Heires and assignes forever In their and every of their peaceable and ffull Possession and Seizen and to their and every of their heires and assignes forever all and Singular my Right in the aforesd lands (excepting what is above excepted) and other Premisses and their and every of their appurtenances within the said Bounds and limitts or any part or Percell thereof

To have and to hold to the said Manasseth Campton, Seth Pope, John Russell, Arthur Hathaway, Pelege Slocum, Stephen West, and all and Singuler the propriettors above Named and to their heires and assignes forever All that My Right title estate or Claime to all and every part of

the land above said (except what is above excepted) to be holden off his Ma^{tie} according to the Coston of his man^e of East greenwich in Kent in the Realm of England in free and Common Soccage and not in Capetie nor by Kn^{ts} Service free and Cleare of all former Grants titles Sales rents Morgages Dowries and all and Singular encumbrances trade made or Done By me William Bradford my heirs or assignes or any of them heretofore

Moreover I the said William Bradford for my Self my heires executors and administ^{es} Doe Covenant and promise to and with the said Manasseh Camton, Seth Pope, John Russell, Arthur Hathaway, Pelege Slocum, Stephen West and the Proprietors above Named their heires x^t to warrant and Defend the premises against all Persons Lawfully Claimeing any title or Interest therein or in any percell thereof by from or under me or them or any of them

Provided the said Manasseh Camton, Seth Pope, John Russell, Arthur Hathaway, Pelege Slocum, Stephen West and the Proprietors above Mentioned their heires x^t yeild and paye to our Sovereign Lord the King his heirs and Successors for ever one fifth part of the Oare of the Gold and Silver and one other fifth part thereof to the said President and Councell which shall be had Possessed and obtained within the limits aforesaid for all Services and Demands whatsoever as is expressed in said Lett^{es} patents or Grant of the said Councill

In witness whereof I the said William Bradford have hereunto sett my hand and Seale this Thirteenth day of November

in the year of our Lord 1694 Annoge Regis Gulielmi and
Maria Anglia Scotice Galia and Hibernie R. & R. 6 to.

William Bradford Seale

Signed sealed and Delivered
in presence of us witnesses

John Wadsworth
Ichabod Wisswalls

William Bradford Comeing Personly before me the Thirteenth
Day of November Did freely acknowledge the above written
Deed as his owne Act: before me

John Wadsworth Justice of Peace 1694

Thus entered and Recorded ffebruary 28th Anno Dom 1695/6
By John Cary Record^e

THE CRANE SURVEYS, BEGINNING 1710

Lawsuits over the possession and boundaries of various settlers' lots continued to be of common occurrence, due in many instances to lack of proper surveys and layouts. Dissatisfaction with the general situation, led to the employment of the famous Benjamin Crane and his assistants to make surveys of the entire township. He began his labors Oct. 2, 1710, and curiously enough, the farm of William Soule, one of the family of litigants, was the first to be surveyed on that day. (See "The Field Notes of Benjamin Crane, Benjamin Hammond, and Samuel Smith" (1910), with an account of Crane's work by Alexander McL. Goodspeed). These surveys formed the basis of all of today's land titles within the boundaries of Old Dartmouth.

BOUNDARY TOWNS

(Compiled from writings of competent authorities)

When the Proprietors took possession of the Dartmouth

Purchase they had a huge stretch of wilderness roughly marked out from surrounding wilderness on the east, north and west, owned in part by the Indians and partly by the Plymouth Government. It was several years before the encircling areas began to take formal shape, first under the proprietary of real estate syndicates (such as the Dartmouth group), and then as incorporated towns. In the latter part of the seventeenth century, just before and after King Philip War, there were three notable aquisitions of common lands contiguous to the territory of Dartmouth, of which town they came to constitute the boundaries. These were Saconet, or Little Compton, granted July 22, 1673; Sippican, or Rochester, purchased July 22, 1679; and Pocasset, or Tiverton, purchased March 5, 1679/80. All of these derived from the Plymouth government, and the towns of Little Compton and Tiverton continued a part of Massachusetts until 1746. The southwestern section of Rochester, long known as Mattapoisett, was incorporated as the town of that name in 1857. Rochester originally included the present Marion and a part of Wareham, also.

The Pocasset Purchase from the Plymouth government likewise underwent important changes pertinent to this study of Dartmouth lands. The Grand Deed thereof, frequently so-called, defined the territory as bounded on the south "partly by Saconet bounds, and partly by Dartmouth bounds." It extended northward and eastward "up into the woods until it meets the lands formerly granted by the Court to other men, and legally obtained by them from the natives, not extending further than the Middlebury (Middleboro) town bounds and Quitquisset ponds." The

"lands formerly granted by the Court," etc., were the Freemen's Purchase (1659), now the westerly part of Freetown; Middleboro (1669), the portion now Lakeville; and Rochester (1679).

In the western area of Pocasset was also another northerly bound, the Quequechan River, or the Falls River, which today flows from South Watuppa Pond through the city of Fall River, passing under the City Hall and beneath Main Street, and coursing down the hill to the bay. The western parts of the Watuppa Ponds were included in the Pocasset Purchase, which ran irregularly to the northeast, between the Freemen's Purchase on the west, Dartmouth and Rochester on the east, and Middleboro on the north, embracing the present eastern section of Freetown.

Little Compton was incorporated in 1682, Freetown in 1683, and Tiverton (Pocasset, and Puncatest adjoining) in 1692; all were parts of Massachusetts. In 1700 Bounds between Tiverton (Pocasset) and Freetown were established. The northeastern range of the former was "to extend until it meet with Middleboro town bounds." In 1714 boundary lines between Tiverton and Rochester were officially adjusted.

Dartmouth at that time was bounded east by Rochester, north by Tiverton, and West by Little Compton, Tiverton and South Watuppa Pond; and of course south by the salt water.

The water power of the Quequechan River was early recognized as of special value, and the Pocasset Proprietors fixed a "mill right," a strip of land about three rods wide along the stream extending back from Mount Hope Bay one mile

to Eight Rod Way, now Plymouth Avenue, Fall River. It was held in common and sold off in shares. Sawmills, giest mills and frelling mills were speedily erected along the banks. Surrounding these there soon grew up a village on both sides of the river, the northern area being in Freetown. This was the nucleus of the present city of Fall River, incorporated as a town in 1803, which from time to time expanded and encroached further and further on the lands of both Freetown and Tiverton.

The Massachusetts Colony long included five of Rhode Island's present border towns, and in these considerable dissatisfaction existed over the policies of the government at Boston, developing into an agitation for a transfer to Rhode Island jurisdiction, which culminated in 1740 in the appointment of a royal commission to re-allocate the boundaries between the two colonies. At a town meeting held that year the men of Dartmouth voted unanimously to be put under the sway of Rhode Island. The King's commission did not report until 1746, when Dartmouth was compelled to remain in Massachusetts, but the five towns heretofore referred to were ceded to Rhode Island, including Tiverton and Little Compton, and new colony boundaries were fixed, some of which were matters of dispute for more than a century.

By the commission's decree Tiverton lost the northerly portion of the old Pocasset Purchase, lying between Dartmouth and Middleboro, and Rochester and Freetown, and it was for the most part annexed to the latter town, ever since constituting East Freetown, although a portion is in-

cluded within the northeasterly limits of Fall River.

In January, 1747, the Rhode Island General Assembly duly incorporated the new towns acquired by the colony, the provision for Tiverton stating "that part which was heretofore known as part of Tiverton, with a part of Dartmouth and Freetown adjoining thereto, be incorporated as a township by the name of Tiverton." The part of Dartmouth in question was the present northwest corner of Westport. A portion of Dartmouth also was incorporated in the town of Little Compton. By what right Rhode Island presumed to annex portions of the territory of Freetown and Dartmouth, Mass., is not known. But the Tiverton-Dartmouth, Little Compton-Dartmouth, and Fall River-Tiverton boundary lines proved a bone of contention for more than a hundred years, until in 1861 the Massachusetts-Rhode Island boundary was finally determined by a decree of the United States Supreme Court, which allotted to Massachusetts some of the old Dartmouth lands claimed by Tiverton and Little Compton. Westport was thereby the gainer, securing a large triangular tract at the present northwestern extremity, and including what is today known as "The Narrows", between the two Watuppa Ponds.

The irregularity in the boundary between Westport and Little Compton has brought about a peculiar situation, in that it is impossible to travel by highway from other parts of Westport to the section known as Westport Harbor, without passing through the village of Adamsville in Little Compton, Rhode Island.

THE LANDS OF OLD DARTMOUTH

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